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Paper No. 7

PATENT DEPARTMENT  
SKADDEN ARPS SLATE MEAGHER & FLOM LLP  
FOUR TIMES SQUARE  
NEW YORK NY 10036

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MAR 14 2003

OFFICE OF PETITIONS

In re Application of :  
Michael J. Tari, Angelo M. :  
Toglia, Christopher J. Dias, :  
Darius Gagne, Michiya Handa, :  
Neil A. Chriss, Jeffrey R. :  
Larsen :  
Application No. 10/014,864 :  
Filed: December 11, 2001 :  
Attorney Docket No. ICOR-004 :  
: DECISION REFUSING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed August 23, 2002. The Office apologizes for the delay.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the nonsigning inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 11, 2001, without an executed oath or declaration. Accordingly, on January 23, 2002, the Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application. This Notice set a two month period for reply.

In reply, applicant filed the instant petition and paid the surcharge for late filing of the declaration. To make timely this petition, applicant purchased a five month extension of time. Included with the petition was a declaration signed by joint inventors Angelo Toglia, Neil Chriss, and Jeffrey Larsen, but lacking signatures from joint inventors Michael Tari, Christopher Dias, Darius Gagne, and Michiya Handa.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to

sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (2), an acceptable oath or declaration in compliance with 37 CFR 1.63. The declaration of Neil Chriss, while signed, is not dated.<sup>1</sup>

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo  
Petitions Attorney  
Office of Petitions

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<sup>1</sup> Moreover, the declaration contains an alteration which has not been initialed and/or dated as is required by 37 CFR 1.52(c).